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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION

MUSICLAND GROUP, INC.

CIVIL ACTION NO. 04-2577

VS.

JUDGE MELANÇON

NAT-SAND REALTY, L.L.C.

MAGISTRATE JUDGE METHVIN

**JURISDICTIONAL REVIEW RULING**

Before the court is plaintiff's "Memorandum in Support of Jurisdictional Amount," filed pursuant to this court's order of July 11, 2005.<sup>1</sup> Having reviewed plaintiff's memorandum, I conclude that plaintiff has proven by a preponderance of the evidence that the amount in controversy exceeds \$75,000 by setting forth the specific facts in controversy that support a finding of the jurisdictional amount. Simon v. Wal Mart Stores, 193 F.3d 848 (5<sup>th</sup> Cir. 1999); Luckett v. Delta Airlines, Inc., 171 F.3d 295 (5<sup>th</sup> Cir. 1999).

In its memorandum, plaintiff states that rental amounts for the time period in question are as follows:

Remainder of 2004 Lease Year	\$ 17,173.34
2005 Lease Year	\$ 70,000.00
2006 Lease Year	<u>\$ 70,000.00</u>
	\$157,173.34

Plaintiff contends that, under the "reduction of rent" provision of the lease in question, it is entitled to a 50% reduction of those rental amounts, for a total reduction amount of \$78,586.67.<sup>2</sup> Plaintiff also contends that it is entitled to damages resulting from the removal of

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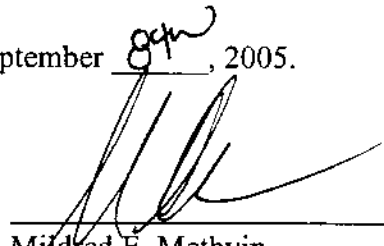
<sup>1</sup> Rec. Doc. 12.

<sup>2</sup> Plaintiff erroneously calculated the 50% reduction amount as \$92,540.05. See Memorandum, Rec. Doc. 12.

its identification panel from the pylon sign on the property at issue, as well as damages for defendant's failure to provide proper documentation with respect to the construction and maintenance of the pylon sign, taxes, "common area maintenance," and insurance. Plaintiff also seeks attorney's fees. Finally, defendant Nat-Sand Realty, L.L.C. filed a reply brief, stating its position that the amount in controversy has been satisfied.<sup>3</sup>

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been satisfied in this case.

Signed at Lafayette, Louisiana on September 8<sup>th</sup>, 2005.

  
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Mydred E. Methvin  
United States Magistrate Judge  
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Lafayette, Louisiana 70501  
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<sup>3</sup> Rec. Doc. 16.